

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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CASE NO.: 22-CV-0644 (PJS/ECW)

In the Matter of THE COMPLAINT OF  
GARY J. WENDT AND JULIE K.  
WENDT, OWNERS OF THE MOTOR  
VESSEL X RATED II FOR  
EXONERATION FROM OR  
LIMITATION OF LIABILITY

In Admiralty

**DECLARATION OF KEVIN S.  
SANDSTROM IN SUPPORT OF  
CLAIMANT MULBERRY POINT'S  
MEMORANDUM OF LAW IN  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR CONTEMPT AND  
TEMPORARY RESTRAINING  
ORDER**

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I, Kevin S. Sandstrom, state and declare as follows:

1. I am an attorney licensed to practice law in the State of Minnesota and the United States District Court of Minnesota and represent Claimant Mulberry Point Yacht Harbor, Inc. ("MPYH") in the above-referenced matter.
2. This Declaration is offered in support of Claimant MPYH's Memorandum of Law in Opposition to Plaintiff's Motion for Contempt and Temporary Restraining Order.
3. Mulberry Point Yacht Harbor, Inc. ("MPYH") (also f/k/a Dock Association of Stillwater, Inc.) is a member-controlled nonprofit entity incorporated under the laws of the State of Minnesota which operates a marina on the St. Croix River at the end of Mulberry Street in Stillwater, Minnesota.

4. The operation of MPYH and leasing of slips is controlled by MPYH's bylaws. A true and correct copy of the MPYH Bylaws from 1987 along with Amendments from 1992 is attached hereto as **Exhibit A**.

5. True and correct copies of the 2015 and 2020 MPYH Membership Certificates of Gary and Julie Wendt are attached hereto as **Exhibit B**.

6. A true and correct copy of the Mulberry Point Yacht Harbor, Inc. Occupancy Agreement with the Wendts from 2015 is attached hereto as **Exhibit C**.

7. A true and correct copy of the May 10, 2022 listing from Facebook of Plaintiffs Wendts' St. Croix River boat slip for sale is attached hereto as **Exhibit D**.

8. A true and correct copy of the September 9, 2021 email from Matthew Schmal of TSM National/Markel American Insurance to Wendt's agent, David Johnson of Tow, Incorporated constituting the first written notice of claims is attached hereto as **Exhibit E**.

Pursuant to 28 U.S.C. §1746, I declare under the penalty of perjury that the foregoing is true and correct. Executed on the 9<sup>th</sup> day of June 2022, in the County of Washington and the State of Minnesota.

/s/Kevin S. Sandstrom  
Kevin S. Sandstrom  
Eckberg Lammers, P.C.  
(MN Atty #0348958)